
Introduced by Senator Dutton

February 22, 2005

An act to amend Section 1276.4 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 630, as introduced, Dutton. Hospitals: nursing ratios.

Existing law provides for the licensure and regulation of health facilities, administered by the State Department of Health Services. Existing law requires the department to establish minimum, specific, and numerical licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit for general acute care hospitals, acute psychiatric hospitals, and special hospitals.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1276.4 of the Health and Safety Code is
- 2 amended to read:
- 3 1276.4. (a) By January 1, 2002, the State Department of
- 4 Health Services shall adopt regulations that establish minimum,
- 5 specific, and numerical licensed nurse-to-patient ratios by
- 6 licensed nurse classification and by hospital unit for all health
- 7 facilities licensed pursuant to subdivision (a), (b), or (f) of
- 8 Section 1250. The department shall adopt these regulations in
- 9 accordance with the department's licensing and certification
- 10 regulations as stated in Sections 70053.2, 70215, and 70217 of

1 Title 22 of the California Code of Regulations, and the
2 professional and vocational regulations in Section 1443.5 of Title
3 16 of the California Code of Regulations. The department shall
4 review these regulations five years after adoption and shall report
5 to the Legislature regarding any proposed changes. Flexibility
6 shall be considered by the department for rural general acute care
7 hospitals in response to their special needs. As used in this
8 subdivision, “hospital unit” means a critical care unit, burn unit,
9 labor and delivery room, postanesthesia service area, emergency
10 department, operating room, pediatric unit,
11 step-down/intermediate care unit, specialty care unit, telemetry
12 unit, general medical care unit, subacute care unit, and
13 transitional inpatient care unit. The regulation addressing the
14 emergency department shall distinguish between regularly
15 scheduled core staff licensed nurses and additional licensed
16 nurses required to care for critical care patients in the emergency
17 department.

18 (b) These ratios shall constitute the minimum number of
19 registered and licensed nurses that shall be allocated. Additional
20 staff shall be assigned in accordance with a documented patient
21 classification system for determining nursing care requirements,
22 including the severity of the illness, the need for specialized
23 equipment and technology, the complexity of clinical judgment
24 needed to design, implement, and evaluate the patient care plan
25 and the ability for self-care, and the licensure of the personnel
26 required for care.

27 (c) “Critical care unit” as used in this section means a unit that
28 is established to safeguard and protect patients whose severity of
29 medical conditions requires continuous monitoring; and complex
30 intervention by licensed nurses.

31 (d) All health facilities licensed under subdivision (a), (b), or
32 (f) of Section 1250 shall adopt written policies and procedures
33 for training and orientation of nursing staff.

34 (e) No registered nurse shall be assigned to a nursing unit or
35 clinical area unless that nurse has first received orientation in that
36 clinical area sufficient to provide competent care to patients in
37 that area, and has demonstrated current competence in providing
38 care in that area.

39 (f) The written policies and procedures for orientation of
40 nursing staff shall require that all temporary personnel shall

1 receive orientation and be subject to competency validation
2 consistent with Sections 70016.1 and 70214 of Title 22 of the
3 California Code of Regulations.

4 (g) Requests for waivers to this section that do not jeopardize
5 the health, safety, and well-being of patients affected and that are
6 needed for increased operational efficiency may be granted by
7 the ~~state~~ department to rural general acute care hospitals meeting
8 the criteria set forth in Section 70059.1 of Title 22 of the
9 California Code of Regulations.

10 (h) In case of conflict between this section and any provision
11 or regulation defining the scope of nursing practice, the scope of
12 practice provisions shall control.

13 (i) The regulations adopted by the department shall augment
14 and not replace existing nurse-to-patient ratios that exist in
15 regulation or law for the intensive care units, the neonatal
16 intensive care units, or the operating room.

17 (j) The regulations adopted by the department shall not replace
18 existing licensed staff-to-patient ratios for hospitals operated by
19 the State Department of Mental Health.

20 (k) The regulations adopted by the department for health
21 facilities licensed under subdivision (b) of Section 1250 that are
22 not operated by the State Department of Mental Health shall take
23 into account the special needs of the patients served in the
24 psychiatric units.

25 (l) The department may take into consideration the unique
26 nature of the University of California teaching hospitals as
27 educational institutions when establishing licensed
28 nurse-to-patient ratios. The department shall coordinate with the
29 Board of Registered Nursing to ensure that staffing ratios are
30 consistent with the Board of Registered Nursing approved
31 nursing education requirements. This includes nursing clinical
32 experience incidental to a work-study program rendered in a
33 University of California clinical facility approved by the Board
34 of Registered Nursing provided there will be sufficient direct
35 care registered nurse preceptors available to ensure safe patient
36 care.